

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-18377 - APPLICANT: KATHRYN EFFINGER - OWNER:
ARTEMUS W. HAM III TRUST**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.
5. The property owner shall be required to participate in a proportionate share of the Entertainment District Streetscape Project, to be implemented and constructed by the City of Las Vegas.
6. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.
7. All City Code requirements and design standards of all City departments must be satisfied.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Tavern Limited at 512 and 514 East Fremont Street in the Entertainment District. The project contains two distinct elements; a coffee house and entertainment/bar. The applicant states that the project is consistent with the plan to develop the Entertainment District, and that the lounge will assist in activating the district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>			
12/16/64	City Council approved rezoning (Z-0100-64) to reclassify property in the downtown area from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).		
01/11/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #40/yk).		
<i>Pre-Application Meeting</i>			
10/25/06	Staff reviewed the proposed project and informed that applicant that the DEOD-DRC would have to review and approve the exterior elevations and signage. The requirements for a Special Use Permit (SUP) were also reviewed with the applicant for the Tavern, Limited license.		
<i>Neighborhood Meeting</i>			
12/14/06	No meeting was required nor held for this project.		
<i>Details of Application Request</i>			
<i>Site Area</i>			
Gross Acres	6648 Sq. Ft. (.15 acres)		
Net Acres	6534 Sq. Ft. (.15 acres)		
<i>Related Building Permits/Business Licenses</i>			
03/16/99	Vegas Discount Outlet had an active retail w/tobacco sales license until 09/23/04. The retail license went inactive on 04/29/05.		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	C (Commercial Use)	C-2 (General Comm.)
North	Parking lot	C (Commercial Use)	C-2 (General Comm.)
South	Tavern/Restaurant	C (Commercial Use)	C-2 (General Comm.)
East	Medical Office	C (Commercial Use)	C-2 (General Comm.)
West	Retail	C (Commercial Use)	C-2 (General Comm.)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	Yes		Yes
Redevelopment Plan Area	Yes		Yes

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	Yes		Yes
Downtown Entertainment Overlay District	Yes		Yes
Live/Work Overlay District	Yes		N/A
Trails	Yes		Yes
Development Impact Notification Assessment			N/A
Project of Regional Significance			N/A

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The goals of the district include preserving and enhancing the appearance of “Glitter Gulch,” as well as encouraging supporting entertainment uses, and maintaining the presence of public facilities.

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Downtown Entertainment Overlay District

The subject property is located within the Downtown Entertainment Overlay District, which sets forth sign requirements and allows waivers from the liquor establishment and restaurant service bar separation requirements.

Entertainment Trail

This project is located on the Entertainment Trail. This section of the trail will be installed by the Fremont East Special Improvement District.

ANALYSIS

A) Zoning Code Compliance

Parking and Traffic Standards

The following table details the parking figures for the proposed use:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Tavern Area	4748 Sq Ft	1 per 50	95	4	0	0	Yes
Office/Storage	3115 Sq Ft	1 per 200	16	1	0	0	Yes
SubTotal	7863 Sq Ft		111	5	0	0	Yes
TOTAL	7863 Sq Ft		111	5	0	0	Yes

Pursuant to Title 19.06, properties within the Downtown Overlay District are exempt from the automatic application of standard parking requirements. There are two public parking garages within 500 feet that have over 2,000 parking spaces for this use. In addition, Las Vegas Boulevard is served by numerous public transit routes. Valet parking will be provided on Fremont Street as well. Staff has concluded that the parking needs for this project will be served by the existing options in the area.

Pursuant to Title 19.06.120, any liquor-serving establishment approved by means of a Special Use Permit for a parcel located within the Downtown Entertainment Overlay District shall not be subject to the distance separation requirements set forth in Title 19.04. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation. The nearest protected uses are the Las Vegas Academy of International Studies, Performing and Visual Arts, located at the southeast corner of Bridger Avenue and 7th Street, and Frank Wright Plaza, located at the northeast corner of Stewart Avenue and Fourth Street. The proposed use will have no measurable impact on either property.

ANALYSIS

- Zoning

The property is zoned C-2 (General Commercial); Liquor Establishments are permitted upon approval of a Special Use Permit. Nightclub/entertainment facilities are a permitted use in the district. The use will be housed within an existing commercial space, and no additional square footage will be added as part of this request. The signage for the property will be subject to the requirements of the Entertainment District Overlay, in addition to other standards that apply. Signage and any façade improvements are subject to review and approval by the Downtown Entertainment Overlay District Design Review Committee.

- Use

A Tavern-Limited Establishment, as defined by Title 19.20, is an establishment that is licensed with a tavern-limited business license in accordance with Title 6.50. This type of license:

- (1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold.
- (2) May only be issued for premises located in the Downtown Entertainment Overlay District.
- (3) Is not transferable, except to a location within the same entertainment district and to an operator who has been approved by the City Council.

In addition, no Restricted Gaming (consisting of not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device at the establishment) shall be conducted, maintained, or operated within the Downtown Entertainment Overlay District, per Title 6.40.155.

The proposal is for a Tavern with entertainment to be located on the first floor within an existing 7863 square-foot commercial space. No changes are proposed to the exterior of the building at this point in time; the applicant has indicated that they will be seeking a façade improvement grant at a later date. Although some information has been provided relative to signage; all signage and façade improvements will need to be reviewed and approved by the Downtown Entertainment Overlay District Design Review Committee in accordance with the provisions of Title 19.06.120.

No parking is available on the site; patrons will have to use available spaces along Fremont and Sixth Streets or at the nearby parking garages for a fee. Live entertainment will be offered at least four nights per week in conformance to the Downtown Entertainment Overlay District standards.

The property would typically be subject to the streetscape standards of the Downtown Centennial Plan, which would require an 11 foot wide sidewalk and palm trees at 30 foot intervals. The Office of Business Development is in the process of working with the Entertainment District property owners to contribute to the costs of implementing streetscape improvements throughout the District. As this project is scheduled for implementation in the near future, the property owner shall be required to participate in a proportionate share of the streetscape treatment, rather than install the streetscape treatment as a condition of approval, as would typically be required.

- Conditions

There are no base conditions for approval of a Tavern Limited Establishment. The establishment need only comply with the regulations for a tavern-limited license and those provisions governing the Downtown Entertainment Overlay District.

FINDINGS (SUP)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Tavern-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. It is surrounded by other parcels zoned for similar uses. No gaming machines will be incorporated into the use, as dictated by Title 6.50.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The existing building is suitable for the proposed Tavern-Limited Establishment. The proposed tavern will depend on off-site parking to support the use; on street parking and nearby parking garages will be more than adequate to support the expected demand.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is provided by Las Vegas Boulevard, a Primary (100 foot) Arterial, and an alley connecting Las Vegas Boulevard and Sixth Street. Much of the expected traffic for this use will be by pedestrians; however, these rights-of-way are of an adequate size to support the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Tavern-Limited Establishment will be subject to inspections for compliance with business licensing requirements and will not compromise the public health, safety and welfare. The proposed use is consistent with the redevelopment objectives of the Downtown Centennial Plan, Las Vegas Redevelopment Area, and the Downtown Entertainment Overlay District.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 172 by City Clerk

APPROVALS 0

PROTESTS 0